

ALONZO BRADWELL 10/30/2020

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| 1 | UNITED STATES DISTRICT COURT | | |
| 2 | EASTERN DISTRICT OF MISSOURI | | |
| 3 | SOUTHEASTERN DIVISION | | |
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| 6 | ROBIN MESEY and JENNIFER MESEY,) | | |
| 7 | Plaintiff,) | | |
| 8 | vs.) | | |
| 9 | CITY OF VAN BUREN, MISSOURI, et) 1:19-CV-71 SNLJ | | |
| 10 | al,) | | |
| 11 | Defendant.) | | |
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| 14 | | | |
| 15 | DEPOSITION OF ALONZO BRADWELL | | |
| 16 | TAKEN ON BEHALF OF THE PLAINTIFF | | |
| 17 | OCTOBER 30, 2020 | | |
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| 20 | PLAINTIFF'S | | |
| 21 | EXHIBIT | | |
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| <p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI 3 SOUTHEASTERN DIVISION 4 5 ROBIN MESEY and JENNIFER MESEY,) 6 Plaintiff,) 7 vs.) 8 CITY OF VAN BUREN, MISSOURI, et) 1:19-CV-71 SNLJ 9 al,) 10 Defendant.) 11 12 DEPOSITION OF ALONZO BRADWELL, produced, 13 sworn and examined on OCTOBER 30, 2020, between the 14 hours of eight o'clock in the forenoon and six o'clock 15 in the afternoon of that day, at the Phelps County 16 Courthouse, 200 North Main Street, Skyroom, Rolla, 17 Missouri 65401, before Sarah J. Pokorski, a Certified 18 Court Reporter and Notary Public within and for the 19 State of Missouri, in a certain cause now pending in 20 the United States District Court, Eastern District of 21 Missouri, Southeastern Division, between ROBIN MESEY 22 and JENNIFER MESEY, Plaintiff vs. CITY OF VAN BUREN, 23 MISSOURI, et al, Defendant; on behalf of the 24 Plaintiff. 25</p> | <p>1 IT IS HEREBY STIPULATED AND AGREED by and 2 between counsel for the Plaintiff and counsel for the 3 Defendant that this deposition may be taken in 4 shorthand by Sarah J. Pokorski, CCR, a Certified Court 5 Reporter and Notary Public, and afterwards transcribed 6 into typewriting; and the signature of the witness is 7 expressly reserved. 8 9 * * * * * 10 11 ALONZO BRADWELL, 12 Of lawful age, produced, sworn and examined on behalf 13 of the plaintiff, deposes and says: 14 15 (Starting time of the deposition: 12:11 p.m.) 16 17 DIRECT EXAMINATION 18 QUESTIONS BY MR. SCHOTTEL: 19 Q. Could you state and spell your full name, 20 please. 21 A. Alonzo Bradwell. A-L-O-N-Z-O. Last name 22 Bradwell. B-R-A-D-W-E-L-L. 23 Q. All right. And can you state and spell your 24 current business address. 25 A. P.O. Box 40, Van Buren, Missouri 63965.</p> |
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| <p>1 A P P E A R A N C E S 2 3 For the Plaintiff: 4 Schottel & Associates 5 James W. Schottel, Jr. 6 906 Olive Street, PH 7 St. Louis, Missouri 63101 8 314-421-0350 9 jwsj@schotteljustice.com 10 11 For the Defendant: 12 Keck Phillips 13 Ty Z. Harden 14 3140 East Division Street 15 Springfield, Missouri 65802 16 417-890-8989 17 ty@kpwlawfirm.com 18 19 Fisher Patterson Sayler & Smith 20 Joshua C. Grumke 21 1010 Market Street 22 Suite 1650 23 St. Louis, Missouri 63101 24 314-561-3675 25 jgrumke@fpsslaw.com 26 27 Court Reporter: 28 Sarah J. Pokorski, CCR 29 Missouri CCR No. 745 30 Alaris Litigation Services 31 711 North Eleventh Street 32 St. Louis, Missouri 63101 33 314-644-2191 34 1-800-280-DEPO</p> | <p>1 Q. Is there an actual street outside of a P.O. 2 Box for the department? 3 A. Due to the flood, we're in a disaster trailer 4 still. 5 Q. Oh, okay. 6 A. So we have 1301 Main Street that we use for 7 like UPS packages, which is next to City Hall. 8 Q. Oh, okay. 9 A. But outside of that, we -- no. 10 Q. All right. Thanks for the clarification. 11 I'm sorry. What was the zip code of Van Buren? 12 A. 63965. 13 Q. Okay. Chief Bradwell, my name is James 14 Schottel, Jr. I represent Jennifer and Robin Mesey in 15 this case. It's against the City of Van Buren, 16 yourself, and Charles Roper. I'm sure you're well 17 aware of that by now. The case has been going on for 18 some time. I'll be asking you a series of questions. 19 Try to speak up. I usually talk low; but during 20 these, the court reporter's going to be taking 21 everything down. And because of that, please try to 22 refrain from answering a question by nodding your 23 head, and voice your answer, even if it's a yes or no. 24 And uh-huh and uh-uhs don't look good on the 25 transcript, so I might ask you to -- say is that a</p> |

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| <p>1 yes, or is that a no. But hopefully once you get the 2 hang of it, we'll get beyond that. If you do not 3 understand a question, simply ask me to repeat it or 4 rephrase it, and I'll be happy to do that for you. 5 Sometimes us lawyers, our brains go faster than our 6 mouths, and the question sounds good to us inside, but 7 it doesn't come out the right way. Have you had your 8 deposition taken before?</p> <p>9 A. Yes.</p> <p>10 Q. About how many times?</p> <p>11 A. Roughly five.</p> <p>12 Q. Okay. And would that have been in relation 13 to your work as a law enforcement officer?</p> <p>14 A. Yes.</p> <p>15 Q. And would those roughly five depositions -- 16 were those relating to criminal cases?</p> <p>17 A. Yes.</p> <p>18 Q. And a question I have to ask of everyone -- 19 no offense -- are you presently under the influence of 20 any substance, drug, whether prescription or 21 non-prescription, that would affect your ability to 22 understand my questions or give testimony today?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you review any documents, or photographs, 25 or anything else in preparation of your deposition</p> | <p>1 Summersville.</p> <p>2 Q. And what was the one after Van Buren? Could 3 you spell that for us and the court reporter.</p> <p>4 A. City of Summersville.</p> <p>5 S-U-M-M-E-R-S-V-I-L-L-E.</p> <p>6 Q. And what was the other one?</p> <p>7 A. Eminence? Is that -- that the one you're 8 asking me?</p> <p>9 Q. Yeah. Could you spell that.</p> <p>10 A. E-M-I-E-N-C-E. No. Hold on. Sorry. I 11 work there very rarely. So --</p> <p>12 MR. HARDEN: You've got -- Eminence. 13 You've got it; right, Sarah?</p> <p>14 MR. SCHOTTEL: I don't have it.</p> <p>15 MR. HARDEN: E-M-M --</p> <p>16 THE WITNESS: No.</p> <p>17 MR. HARDEN: -- I-N-E-N-C-E.</p> <p>18 MR. GRUMKE: It's one M.</p> <p>19 MR. HARDEN: It's just one?</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. HARDEN: Oh, there you go.</p> <p>22 MR. SCHOTTEL: See, that's what I was 23 confused about.</p> <p>24 MR. HARDEN: Really? Got me. I know 25 that's where the Ozark Trail starts, somewhere around</p> |
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| <p>1 today?</p> <p>2 A. Just information with my attorney.</p> <p>3 Q. I'm not talking about any attorney/client 4 discussions or anything. I'm talking actual physical 5 documents, pictures, or anything like that. Did you 6 take a look at anything?</p> <p>7 A. I believe I looked at the incident report 8 from the Carter County Sheriff's Department last week 9 when we were trying to figure out this -- when to do 10 this deposition.</p> <p>11 Q. Oh, okay. And are you talking about the 12 thick entire investigation file? Or just the report?</p> <p>13 A. Just the incident report.</p> <p>14 Q. Incident report. And do you remember who 15 authored that incident report?</p> <p>16 A. I believe it was Chief Deputy Justin Eudaley.</p> <p>17 Q. Okay. And who is he with?</p> <p>18 A. Carter County Sheriff's Department.</p> <p>19 Q. Okay. And what's your date of birth?</p> <p>20 A. 11/6/1989.</p> <p>21 Q. And what's the highest grade of education 22 you've completed?</p> <p>23 A. Some college.</p> <p>24 Q. Okay. And who is your present employer?</p> <p>25 A. City of Van Buren, City of Eminence, City of</p> | <p>1 there. I always think I'm going to jump on it, and I 2 haven't yet. Sorry. But --</p> <p>3 MR. SCHOTTEL: That's all right.</p> <p>4 Q. (BY MR. SCHOTTEL.) What kind of work do you 5 do for City of Eminence?</p> <p>6 A. Reserve officer.</p> <p>7 Q. Okay. And what kind of work do you do for 8 the City of Summersville?</p> <p>9 A. Reserve officer.</p> <p>10 Q. Okay. And can you briefly describe what it 11 is a reserve officer does, or --</p> <p>12 A. So the City of Summersville, if there is 13 someone who is unavailable to work -- for example, a 14 full-time employee -- a reserve officer would be 15 called in to see if they can work or cover that shift.</p> <p>16 Q. All right. How long have you been a reserve 17 officer for City of Eminence?</p> <p>18 A. Two years.</p> <p>19 Q. Same question. How long have you been a 20 reserve officer for the City of Summersville?</p> <p>21 A. Since 2013, I believe.</p> <p>22 Q. Okay. When did you first become chief of 23 police for the City of Van Buren?</p> <p>24 A. January 1st, 2019.</p> <p>25 Q. Did you work for the City of Van Buren Police</p> |

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| <p>1 Department prior to becoming chief?</p> <p>2 A. I did.</p> <p>3 Q. And immediately prior to January 1, 2019,</p> <p>4 what was your position with the police department?</p> <p>5 A. Full-time officer.</p> <p>6 Q. Full-time officer?</p> <p>7 A. Yes, sir.</p> <p>8 Q. How did you become chief? Was there an</p> <p>9 application process? Were you nominated? Did you</p> <p>10 have -- what were the steps?</p> <p>11 A. I had applied for it. There was an interim</p> <p>12 chief at the time. I went through an interview with</p> <p>13 the council and the mayor, and I was subsequently</p> <p>14 appointed to the position.</p> <p>15 Q. At the time you interviewed, how many members</p> <p>16 were on the council? If you remember.</p> <p>17 A. The same as there are now. There are four</p> <p>18 council members and the mayor.</p> <p>19 Q. Okay. When did you -- in what year did you</p> <p>20 first begin working for the Van Buren Police</p> <p>21 Department?</p> <p>22 A. In 2018, just -- just prior.</p> <p>23 Q. And did you start out as a full-time officer?</p> <p>24 A. No, sir.</p> <p>25 Q. No? Okay. What did you start out with the</p> | <p>1 A. I held different ranks.</p> <p>2 Q. Right. That's what I meant.</p> <p>3 A. Okay.</p> <p>4 Q. Sorry.</p> <p>5 A. The -- starting out, I was a reserve officer,</p> <p>6 then a full-time officer, then the corporal, then the</p> <p>7 chief of police.</p> <p>8 Q. And I'm not going to put you through the pain</p> <p>9 of trying to remember which period you served when.</p> <p>10 How about what year did you start working for the</p> <p>11 Winona City Police Department?</p> <p>12 A. 2012, I believe.</p> <p>13 Q. Okay. And did you work for any other police</p> <p>14 departments prior to Winona in 2012?</p> <p>15 A. I -- I can't remember if it was '12 or 2013</p> <p>16 that I was a reserve at Summersville. So there could</p> <p>17 be employment record for Summersville --</p> <p>18 Q. Okay.</p> <p>19 A. -- as a reserve officer. But other than</p> <p>20 that, no.</p> <p>21 Q. All right. And where did you attend the</p> <p>22 police academy?</p> <p>23 A. Missouri State University, West Plains. The</p> <p>24 sheriff's academy.</p> <p>25 Q. Okay. And in what year did you attend that?</p> |
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| <p>1 Van Buren Police Department?</p> <p>2 A. It was a part-time position as I transferred</p> <p>3 from another agency over, and which quickly led into a</p> <p>4 full-time position.</p> <p>5 Q. Okay. So were you -- were you like a reserve</p> <p>6 officer, or just a part-time officer?</p> <p>7 A. I was a part-time officer.</p> <p>8 Q. Okay. And do you remember what month in 2018</p> <p>9 that was?</p> <p>10 A. I don't.</p> <p>11 Q. What police department did you transfer from?</p> <p>12 A. I was the chief of police for the City of</p> <p>13 Winona.</p> <p>14 Q. And why did you leave that position?</p> <p>15 A. We -- my family and I wanted to move to</p> <p>16 Carter County.</p> <p>17 Q. Okay. How long were you the chief of police</p> <p>18 for Winona?</p> <p>19 A. Since 2014.</p> <p>20 Q. Is that -- you said that's Winona County?</p> <p>21 A. Winona city.</p> <p>22 Q. Winona city? I'm sorry.</p> <p>23 A. In Shannon County.</p> <p>24 Q. Okay. Did you hold other positions of</p> <p>25 employment with the Winona City Police Department?</p> | <p>1 A. From 2011 to 2012.</p> <p>2 Q. Okay. And how long was that program?</p> <p>3 A. I believe it was 11 months.</p> <p>4 Q. Okay. And I'm assuming you got your</p> <p>5 certificate from there.</p> <p>6 A. Yes, sir.</p> <p>7 Q. And from 2011 to current, have you ever</p> <p>8 worked any secondary positions?</p> <p>9 A. I don't understand the question.</p> <p>10 Q. Secondary positions means like bars,</p> <p>11 restaurants, things like that where they may need</p> <p>12 additional law enforcement officers outside of the</p> <p>13 regular work.</p> <p>14 A. I -- I've never worked as an officer in</p> <p>15 something other than a law enforcement agency. No.</p> <p>16 Q. Okay. It's more of a common thing in</p> <p>17 St. Louis. There's secondary and different, you know,</p> <p>18 areas of -- wherever extra police might -- might be</p> <p>19 needed in the social domain. Like I said, bars,</p> <p>20 restaurants. So that's why I asked the question.</p> <p>21 A. Okay.</p> <p>22 Q. Wasn't trying to confuse you.</p> <p>23 A. We don't have that in our area, so I didn't</p> <p>24 understand the question.</p> <p>25 Q. Okay. No problem. Well, that would make</p> |

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| <p style="text-align: center;">Page 17</p> <p>1 sense why you didn't understand. Since you became 2 chief of police with the City of Van Buren, is one of 3 your duties to hire new police officers?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And can you just briefly describe your 6 process for hiring new police officers.</p> <p>7 MR. HARDEN: And let me just go ahead and 8 make this statement now, just so we're clear, and --</p> <p>9 MR. SCHOTTEL: Well, I meant --</p> <p>10 MR. HARDEN: No. You're good.</p> <p>11 MR. SCHOTTEL: -- involving with the 12 city --</p> <p>13 MR. HARDEN: No. You're fine. I just want 14 to put this on the record, if you don't mind.</p> <p>15 MR. SCHOTTEL: Sure.</p> <p>16 MR. HARDEN: For my sake, no one else's. 17 Today, Chief Bradwell was noticed in his official 18 capacity as the chief of police for deposition. He 19 was not offered today or designated as a corporate 20 representative for the City or the police department, 21 and he's not testifying in that capacity today, and 22 plaintiff's counsel and I had that understanding. I 23 just wanted to make sure that was on the record. 24 Thank you, Mr. Schottel.</p> <p>25 MR. SCHOTTEL: Yeah. And that's why I</p> | <p style="text-align: center;">Page 19</p> <p>1 Q. Okay. So Charles Roper was hired when you 2 were chief of police?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay.</p> <p>5 A. As a training reserve.</p> <p>6 Q. Okay. Training reserve officer? Is that 7 what it was?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Can you describe what that is.</p> <p>10 A. With initial training, we -- may I rephrase?</p> <p>11 Q. Sure.</p> <p>12 A. I would hire an officer who has met the 13 qualifications through the interview process for 14 on-the-job training. If they make it through that, at 15 that point, they would be listed as a reserve officer 16 ready to be called in. At that time, Mr. Roper was 17 still in training.</p> <p>18 Q. And when you say at the time -- at the time 19 of the incident subject to the case when he shot the 20 Meseys' dogs, he was a training reserve officer?</p> <p>21 MR. HARDEN: Just object to form.</p> <p>22 THE WITNESS: He -- he held that position.</p> <p>23 Yes. He was not training when that incident happened.</p> <p>24 Q. (BY MR. SCHOTTEL.) Okay. I guess that was a 25 bad question. But that was the position that he held</p> |
| <p style="text-align: center;">Page 18</p> <p>1 wanted to clarify that wasn't -- I wasn't asking about 2 the city.</p> <p>3 MR. HARDEN: And you're not.</p> <p>4 Q. (BY MR. SCHOTTEL.) Just your individual 5 process.</p> <p>6 A. Outside of police department? Is that --</p> <p>7 Q. No. Just as you're in your function as 8 sheriff, individually.</p> <p>9 A. I'm the chief of police.</p> <p>10 Q. Or I'm sorry. I said sheriff. My apologies. 11 As the chief, what is your hiring process?</p> <p>12 A. So I have, generally speaking, at that time, 13 being as I was just taking over, I -- my process then 14 was to look over application, check their POST license 15 to make sure that they're up to date on all their 16 training required by the State, and call references, 17 and then do an interview. Then I would present it to 18 our council and mayor as either a recommendation, or I 19 would recommend an officer to go to work for me or not 20 to go to work for me.</p> <p>21 Q. Okay. And Officer Charles Roper, was he on 22 the force at the time you became chief of police?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p> <p>25 A. He had been prior to -- to me.</p> | <p style="text-align: center;">Page 20</p> <p>1 at the time of the incident in this case?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. Do you remember when Mr. Roper 4 began holding that position?</p> <p>5 A. I believe his oath of office was the end of 6 January, beginning of February, in that time frame. I 7 can't remember the exact date.</p> <p>8 Q. Yeah. I'm not --</p> <p>9 A. Okay.</p> <p>10 Q. -- trying to tie you down to an exact date. 11 Just --</p> <p>12 A. Yeah.</p> <p>13 Q. -- month -- yeah. That was -- and the 14 process that you mentioned before about reviewing 15 applications and then presenting it to a council when 16 you go to hire an officer, did any of that happen or 17 occur before Charles Roper became a training reserve 18 officer?</p> <p>19 A. They were notified, and they had no 20 objections.</p> <p>21 Q. Okay. How long is the training reserve 22 period?</p> <p>23 A. Then, it would have been at the 24 recommendation of full-time officers that he trained 25 with. At that point, when they stated to me that they</p> |

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| <p>1 felt that he was ready to go back and be a reserve -- 2 or to be a reserve, then I would do a ride-along 3 training with them --</p> <p>4 Q. Uh-huh.</p> <p>5 A. -- and quiz them on the streets, quiz them on 6 how-to on certain incidents. And then they would be 7 put on the reserve list if I felt that they were ready 8 to do that.</p> <p>9 Q. Okay. So you didn't have a specific time 10 frame. What you're testifying to is that it's -- it's 11 on an individual, person-by-person basis.</p> <p>12 A. At the time, I was brand new to the 13 department as their chief, and there's a lot of 14 process that I was still working on to make official.</p> <p>15 Q. Okay. And you said at that time. So did you 16 change that aspect?</p> <p>17 A. I had completed what I was working on. Yes.</p> <p>18 Q. Okay. So by your testimony, is it fair to 19 say once you became chief of police, you kind of 20 reviewed everything, and had your own ideas on what 21 you wanted to assess, or how you wanted things to run 22 in the department?</p> <p>23 A. I think it's important for me to review 24 current policies and current procedures, budgets, 25 everything, before making a complete decision on any</p> | <p>1 to me that he was acting while on duty; and it was not 2 Officer Roper that was involved in this, in my 3 opinion.</p> <p>4 Q. (BY MR. SCHOTTEL.) But Charles Roper?</p> <p>5 A. Yes.</p> <p>6 Q. And I'm sorry. Even -- I didn't clarify. By 7 your earlier testimony, he was not an officer anyway 8 with the department yet. He was a training --</p> <p>9 A. He was a training reserve officer.</p> <p>10 Q. Training reserve officer. When Mr. Roper 11 became a training reserve officer, was he given any 12 equipment to use by you or the department?</p> <p>13 A. I -- I do not believe so. When -- when I 14 hear equipment, when it comes to a new hire, I would 15 say badge, commission card, vest, gun, things like 16 that. I don't recall ever -- I know he didn't have a 17 badge, a commission card, or a department firearm. In 18 regards to any other equipment, I -- I don't recall 19 that. I don't know.</p> <p>20 Q. Okay. What does -- what does an officer do 21 as a training reserve officer?</p> <p>22 A. They train with a full-time officer.</p> <p>23 Q. Okay. Out on the streets?</p> <p>24 A. Yes.</p> <p>25 Q. Are -- when they're training out on the</p> |
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| <p>1 ideas that I do have. I had plenty of ideas, but I 2 wanted to make sure it would match with the department 3 at the time.</p> <p>4 Q. Okay. And if you had policies with respect 5 to police practices, did you have to present them to 6 the council or the mayor for approval?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. I'm sorry. Bear with me just a 9 second.</p> <p>10 MR. HARDEN: You're fine.</p> <p>11 Q. (BY MR. SCHOTTEL.) And you're familiar with 12 the -- the claims that the Meseys are making in this 13 case; are you not?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. The incident subject to this case 16 involved the shooting of the Meseys' dogs by Officer 17 Charles Roper. Is that fair to say?</p> <p>18 A. Can you re-ask that question, please.</p> <p>19 Q. Okay. The claims involved in this case are 20 the shooting of the Meseys' dogs by Officer Charles 21 Roper. Is that a fair statement?</p> <p>22 MR. HARDEN: Just object to form. Go 23 ahead.</p> <p>24 THE WITNESS: I would -- I would say that 25 the incident involved Charles Roper. Officer implies</p> | <p>1 streets with a full-time officer, are they supposed to 2 be carrying a weapon at that time?</p> <p>3 A. Yes. They're -- through the State of 4 Missouri, they're a law enforcement officer still.</p> <p>5 Q. Right.</p> <p>6 A. With us, they're training. So thus, they can 7 still carry a firearm, as long as they have been 8 previously qualified, or still up to date with the 9 firearm requirements for the State for POST licensing.</p> <p>10 Q. And to the best of your recollection, at that 11 time when he was a training reserve officer, was 12 Charles Roper qualified to carry a weapon?</p> <p>13 A. He was. He was qualified by the Ripley 14 County Sheriff's Office, where he also held a position 15 at that time.</p> <p>16 Q. Okay. Now, as a training reserve officer, 17 did you or the department provide Charles Roper with a 18 gun to carry when he was out in the streets with a 19 full-time officer?</p> <p>20 A. No.</p> <p>21 Q. Were -- was a training reserve officer 22 required to purchase their own gun? Or were they 23 given an option?</p> <p>24 A. As a training reserve, they're given -- I 25 mean, we don't have a firearm to give them.</p> |

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| <p>1 Q. Okay.</p> <p>2 A. We have three Glock pistols at our</p> <p>3 department, and those are used by our full-time</p> <p>4 officers.</p> <p>5 Q. Okay.</p> <p>6 A. All other firearms for a training officer --</p> <p>7 or trainee officer -- reserve officer -- we would have</p> <p>8 allowed them to carry a firearm that they were</p> <p>9 qualified with, but we did not provide one.</p> <p>10 Q. In your opinion, and -- scratch that. In</p> <p>11 your opinion, if a training reserve officer is on the</p> <p>12 streets with a full-time officer, would it be -- would</p> <p>13 it be the safest and best idea that the training</p> <p>14 reserve officer do have a weapon to carry while on the</p> <p>15 streets?</p> <p>16 MR. HARDEN: Object to form.</p> <p>17 THE WITNESS: In -- in most cases. Yes.</p> <p>18 Q. (BY MR. SCHOTTEL.) When Charles Roper was a</p> <p>19 training reserve officer, and when he was on the</p> <p>20 streets with a full-time officer, do you know whether</p> <p>21 or not he was carrying a firearm?</p> <p>22 A. He was.</p> <p>23 Q. Okay. And how do you know he was?</p> <p>24 A. Because I approved it.</p> <p>25 Q. Okay. And how did that approval process go?</p> | <p>1 for me to understand. When I see a duty belt, it's</p> <p>2 difficult to take so many things off. So his duty</p> <p>3 belt and firearm as a whole was approved.</p> <p>4 Q. Okay.</p> <p>5 A. Okay.</p> <p>6 Q. So you don't know specifically -- it could</p> <p>7 have had mace, I guess, in it.</p> <p>8 A. He did have mace. Yes.</p> <p>9 Q. He did have mace?</p> <p>10 A. I believe so. I'd have to -- again, I --</p> <p>11 I -- that was a long time ago. I'd have to --</p> <p>12 Q. Right.</p> <p>13 A. -- I guess go back and try to see if I can</p> <p>14 remember. I don't know.</p> <p>15 Q. Yeah. But you would have kept a record of</p> <p>16 that?</p> <p>17 A. No.</p> <p>18 Q. No? Okay. Based upon your sitting here</p> <p>19 today, is there anything else that you can remember</p> <p>20 that Charles Roper was carrying as a training reserve</p> <p>21 officer?</p> <p>22 A. I cannot recall.</p> <p>23 Q. Okay. What about uniform? Do you remember</p> <p>24 or not whether you had a uniform for him at that time?</p> <p>25 A. I don't think we had a uniform. I cannot</p> |
| <p style="text-align: center;">Page 26</p> <p>1 A. During the hiring process of the -- and</p> <p>2 scheduling of the training reserve to go out with an</p> <p>3 officer, I have to approve any equipment that they do</p> <p>4 have with them. I approved his 1911 pistol that he</p> <p>5 had been using for the Ripley County Sheriff's Office</p> <p>6 and qualified with at that time.</p> <p>7 Q. Okay. What about when it comes to handcuffs?</p> <p>8 What's the position with respect to you and training</p> <p>9 officers carrying handcuffs? Do you provide those, or</p> <p>10 do they provide -- they get their own?</p> <p>11 A. Only equipment that we have the capability of</p> <p>12 providing would be a bullet-proof vest, a badge, and a</p> <p>13 commission card, and uniforms, generally. Again, we</p> <p>14 went through a flood, and lost most of our things, so</p> <p>15 we were rebuilding at that time.</p> <p>16 Q. Okay. Do you know if Charles Roper had</p> <p>17 handcuffs as a training reserve officer?</p> <p>18 A. He did.</p> <p>19 Q. Okay. And would he have to get those</p> <p>20 approved through you?</p> <p>21 A. All his equipment that he carried was</p> <p>22 approved.</p> <p>23 Q. Okay. And outside of the handcuffs and the</p> <p>24 pistol, did he get anything else approved through you?</p> <p>25 A. It's -- the way you're asking me is difficult</p> | <p style="text-align: center;">Page 28</p> <p>1 remember. But as a trainee, usually I would have the</p> <p>2 trainees dress in a plain polo with khaki pants,</p> <p>3 without any logos or anything like that on them.</p> <p>4 Q. Okay.</p> <p>5 A. But I don't remember exactly that situation.</p> <p>6 Q. All right. Fair enough. At the time you</p> <p>7 became chief, did -- did you require any new hires to</p> <p>8 go through any kind of firearm training or any</p> <p>9 exercises?</p> <p>10 A. Our department does firearms training once a</p> <p>11 year in the summer.</p> <p>12 Q. Okay.</p> <p>13 A. So on new hires, as long as they were</p> <p>14 compliant with POST requirements for firearm hours,</p> <p>15 then they would wait for our firearms qualification.</p> <p>16 Q. Okay.</p> <p>17 A. For Mr. Roper, he had completed his firearms</p> <p>18 training out of Ripley County.</p> <p>19 Q. All right. So if an officer -- or -- he</p> <p>20 wasn't an officer. But a person like Charles Roper</p> <p>21 who had previous law enforcement experience, you would</p> <p>22 take that into consideration because he would have I</p> <p>23 guess done certain things that you may have required</p> <p>24 him to, but he had already done the previous --</p> <p>25 A. I verified that he did complete those hours.</p> |

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| <p>1 Yes.</p> <p>2 Q. Okay. But I wasn't trying to trick you or</p> <p>3 just nail -- narrow it down to Roper. I was just</p> <p>4 saying you, that's what you do generally when you look</p> <p>5 at the new hires, or someone new you're bringing in.</p> <p>6 A. Yes. I -- I verify to make sure they're</p> <p>7 compliant with their POST licensing in the state, at</p> <p>8 which point I go through their equipment, make sure</p> <p>9 that I approve those. And if they are still in</p> <p>10 compliance outside of our agency's firearms</p> <p>11 qualification, then they will be made to wait for that</p> <p>12 qualification.</p> <p>13 Q. Okay. You referenced a duty belt. And I'm</p> <p>14 not asking specifically to Charles Roper. But I've</p> <p>15 seen duty belts. I'm not a police officer. So if you</p> <p>16 could enlighten me, what kinds of equipment can a duty</p> <p>17 belt carry?</p> <p>18 A. Generally speaking, firearms, handcuffs, less</p> <p>19 lethal devices, cell phone holders.</p> <p>20 Q. Yeah.</p> <p>21 A. You know, every duty belt's slightly</p> <p>22 different, depending on the person.</p> <p>23 Q. Now, way back in the day -- I'm dating myself</p> <p>24 here. But they used to call it a night stick. But</p> <p>25 there's different names for it now. Do you know what</p> | <p>1 A. Okay. They are allowed to carry expandable</p> <p>2 batons. That's what's taught in the academy.</p> <p>3 Q. Okay.</p> <p>4 A. Usually.</p> <p>5 Q. Is there any kind of training course or</p> <p>6 anything that your department provides with respect to</p> <p>7 mace?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. We personally do not do that. No.</p> <p>11 Q. All right.</p> <p>12 A. Can I clarify that, a little bit?</p> <p>13 Q. Sure.</p> <p>14 A. When I said we personally, I meant our</p> <p>15 department does not have instructors that teach that.</p> <p>16 Q. Okay. How did you first hear about the</p> <p>17 incident with Charles Roper and the shooting of the</p> <p>18 Meseys' dogs?</p> <p>19 A. From Officer Dyer.</p> <p>20 Q. And could you spell that.</p> <p>21 A. D-Y-E-R.</p> <p>22 Q. And is he with the Carter County Sheriff's</p> <p>23 Department?</p> <p>24 A. He's with my department.</p> <p>25 Q. Oh, he's with your department. Okay. And</p> |
| <p style="text-align: center;">Page 30</p> <p>1 I'm talking about, with a handle that --</p> <p>2 A. It's still a night stick.</p> <p>3 Q. It's still a night stick? Okay.</p> <p>4 A. There's different types of -- I think what</p> <p>5 you're referring to would be an ASP, where it's</p> <p>6 expandable, rather than fixed.</p> <p>7 Q. Okay. So there's two types of them? One you</p> <p>8 can expand --</p> <p>9 A. I'm sure that there's plenty more --</p> <p>10 Q. Probably more?</p> <p>11 A. -- than two. But those are the --</p> <p>12 Q. The ones you're aware of, or --</p> <p>13 A. Yeah.</p> <p>14 Q. Yeah. I envision the one with a handle.</p> <p>15 A. Uh-huh.</p> <p>16 Q. And it's one piece.</p> <p>17 A. Right.</p> <p>18 Q. So that's called a night stick?</p> <p>19 A. Yeah. That's still what I call it.</p> <p>20 Q. And my follow-up question was are your</p> <p>21 officers allowed to carry a night stick if it's</p> <p>22 approved?</p> <p>23 A. A night stick that -- the way you described</p> <p>24 the night stick?</p> <p>25 Q. Either -- either one.</p> | <p style="text-align: center;">Page 32</p> <p>1 how did he notify you about the incident?</p> <p>2 A. By calling me on my cell phone.</p> <p>3 Q. Okay. Did he call you on the same day it</p> <p>4 occurred?</p> <p>5 A. While he was on scene. He had just arrived.</p> <p>6 Q. Okay. And did Charles Roper come to see you</p> <p>7 immediately after this incident?</p> <p>8 MR. HARDEN: Object to form.</p> <p>9 Q. (BY MR. SCHOTTEL.) Scratch the immediately.</p> <p>10 MR. HARDEN: Good.</p> <p>11 THE WITNESS: Mr. Roper did come to see me.</p> <p>12 Yes.</p> <p>13 Q. (BY MR. SCHOTTEL.) And are you aware of what</p> <p>14 happened with his weapon after the incident, after he</p> <p>15 shot the dogs?</p> <p>16 A. Everything from the point that I spoke with</p> <p>17 the sheriff of Carter County, which was the phone call</p> <p>18 after I spoke with Officer Dyer, I -- I relinquished</p> <p>19 the -- we relinquished the scene over to the sheriff's</p> <p>20 department. So I -- their procedures, I couldn't tell</p> <p>21 you.</p> <p>22 Q. Okay. Was the pistol -- or the gun that</p> <p>23 Charles Roper shot the Meseys' dog with, was that the</p> <p>24 same gun he was carrying on the streets as a training</p> <p>25 reserve officer?</p> |

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| <p>1 A. No.</p> <p>2 Q. Can you describe the differences of the guns.</p> <p>3 A. The information I read in the incident report</p> <p>4 of the sheriff's department is that he used a</p> <p>5 Springfield 45-caliber. I approved a 1911 for him to</p> <p>6 carry on duty. He had a separate gun that I had</p> <p>7 nothing -- I have no idea about, that he did not use</p> <p>8 while under my care.</p> <p>9 Q. The one you approved, can you state that one</p> <p>10 again.</p> <p>11 A. It was a 1911. I -- I don't remember the</p> <p>12 brand.</p> <p>13 Q. Oh, okay. And a 1911 is just a handgun?</p> <p>14 A. Yes. I believe it had a blue handle on the</p> <p>15 1911, if I remember correctly.</p> <p>16 Q. All right. With your training reserve</p> <p>17 officers, do you give them any instructions of whether</p> <p>18 or not to carry their gun when they're not working?</p> <p>19 A. At the time, there was a policy for reserve</p> <p>20 officers -- and all officers, part-time, full-time --</p> <p>21 to -- that they could wear a concealed firearm or a</p> <p>22 firearm, as long as they had a badge and a commission</p> <p>23 card. With Mr. Roper, he was still in training, and</p> <p>24 did not have a badge and a commission card. And</p> <p>25 because he was in training, we hadn't even made it</p> | <p>1 you who he was with on that day?</p> <p>2 MR. HARDEN: Same objections. Don't</p> <p>3 answer.</p> <p>4 MR. SCHOTTEL: All right. Have that</p> <p>5 question certified for the court.</p> <p>6 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p> <p>7 you that the dog tried to attack his wife?</p> <p>8 MR. HARDEN: Same objection. Instruct you</p> <p>9 not to answer.</p> <p>10 MR. SCHOTTEL: Have that question certified</p> <p>11 for the court.</p> <p>12 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p> <p>13 you on the day of the incident he fired a warning shot</p> <p>14 before shooting at the dog?</p> <p>15 MR. HARDEN: Same objection. Instruct you</p> <p>16 not to answer.</p> <p>17 MR. SCHOTTEL: Have that question certified</p> <p>18 for the court.</p> <p>19 MR. HARDEN: Can we go off the record for a</p> <p>20 second.</p> <p>21 (OFF THE RECORD.)</p> <p>22 MR. HARDEN: We're back on when he gets</p> <p>23 done.</p> <p>24 Q. (BY MR. SCHOTTEL.) Do you know whether or</p> <p>25 not Charles Roper was married or not?</p> |
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| <p>1 that far --</p> <p>2 Q. Okay.</p> <p>3 A. -- to even have that discussion.</p> <p>4 Q. And you said after the incident, he did come</p> <p>5 and talk to you after he shot the Messeys' dogs?</p> <p>6 A. Not immediately, but yes.</p> <p>7 Q. So when he came to you, what did he tell you?</p> <p>8 MR. HARDEN: All right. So here's where</p> <p>9 we're going to object, on the basis that any</p> <p>10 information that Chief Bradwell obtained after he</p> <p>11 received the call from Officer Dyer is privileged and</p> <p>12 protected information as insurer/insured and</p> <p>13 attorney/client privileged information, and the</p> <p>14 material created or that he reviewed in the process is</p> <p>15 also privileged and/or work-product protected,</p> <p>16 including intangible work product. Also,</p> <p>17 communications between Mr. Roper and the police chief</p> <p>18 are privileged and protected under the Garrity rule.</p> <p>19 Therefore, Chief Bradwell, I will instruct you not to</p> <p>20 answer this question or anything related to those</p> <p>21 types of communications or material after you received</p> <p>22 that call from Mr. Dyer.</p> <p>23 MR. SCHOTTEL: Can I have that question</p> <p>24 certified for the court, please.</p> <p>25 Q. (BY MR. SCHOTTEL.) Did Charles Roper tell</p> | <p>1 A. Yes. He was married, to my knowledge.</p> <p>2 Q. Do you know his wife's name?</p> <p>3 A. I'm just drawing a blank.</p> <p>4 Q. Have you -- have you ever --</p> <p>5 A. Donna.</p> <p>6 MR. HARDEN: You got it.</p> <p>7 Q. (BY MR. SCHOTTEL.) There you go. Have you</p> <p>8 ever met Charles Roper's wife?</p> <p>9 A. I believe at last year's Christmas party.</p> <p>10 Q. Okay.</p> <p>11 A. And maybe in passing, but --</p> <p>12 Q. All right. Do you know where Charles Roper's</p> <p>13 wife's father lived?</p> <p>14 A. Yes.</p> <p>15 Q. And where did he live?</p> <p>16 A. He lived at the end of Dale Street.</p> <p>17 Q. Okay. Do you know who his wife's father</p> <p>18 lived with?</p> <p>19 A. No, I don't.</p> <p>20 Q. Okay. At the time of the incident, did you</p> <p>21 know where the Messeys lived?</p> <p>22 A. I was told by Officer Dyer where this</p> <p>23 incident occurred, and whose home they were at. So at</p> <p>24 that time, because of that, yes.</p> <p>25 Q. Okay. And what street was that, if you</p> |

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|---|---|
| <p>1 recall?</p> <p>2 A. Dale Street.</p> <p>3 Q. After the incident, did you put Charles Roper</p> <p>4 on any administrative leave?</p> <p>5 A. He was not able to finish his training. And</p> <p>6 he was not able to be used as a call-in officer</p> <p>7 pending the investigation from the sheriff's</p> <p>8 department.</p> <p>9 Q. Okay. After the incident in question, did</p> <p>10 you punish Charles Roper in any way?</p> <p>11 MR. HARDEN: Object to form. This is the</p> <p>12 same objection in terms of privileges and protections.</p> <p>13 But also, I would add that there's confidentiality and</p> <p>14 privacy rules for employment files. I don't think</p> <p>15 there's a protective order in place at this point.</p> <p>16 And those types of issues directly fall under the</p> <p>17 Garrity rule as well.</p> <p>18 MR. SCHOTTEL: Well, we can agree that this</p> <p>19 questioning could be -- this portion would be sealed</p> <p>20 under the transcript, which would -- we don't need a</p> <p>21 protective order for that. We can agree that this</p> <p>22 question would be kept under seal in that way. If</p> <p>23 it's filed with the court, it's filed under seal.</p> <p>24 MR. HARDEN: I'll tell you what I'll do.</p> <p>25 I'm going to instruct him not to answer, because I</p> | <p>1 (OFF THE RECORD.)</p> <p>2 (PLAINTIFF'S EXHIBIT 1 AND 2 MARKED FOR THE RECORD.)</p> <p>3 Q. (BY MR. SCHOTTEL.) I've just handed you</p> <p>4 Plaintiff's Exhibit 1. And it's a -- a few different</p> <p>5 documents combined to one for the ease of -- of this</p> <p>6 deposition. Also, they're related. And your response</p> <p>7 to a Sunshine letter. Could you identify Exhibit 1,</p> <p>8 the top page, and what it contains.</p> <p>9 MR. HARDEN: And I'll just object to form,</p> <p>10 foundation and hearsay. Go ahead.</p> <p>11 THE WITNESS: This is a records completion</p> <p>12 form in response to your second page of information --</p> <p>13 your request.</p> <p>14 Q. (BY MR. SCHOTTEL.) And what else is after my</p> <p>15 second page?</p> <p>16 MR. HARDEN: I'll also object on the basis</p> <p>17 this is discovery on discovery. Go ahead.</p> <p>18 THE WITNESS: It's an officer narrative</p> <p>19 report by Officer Dyer.</p> <p>20 Q. (BY MR. SCHOTTEL.) And after -- after the</p> <p>21 narrative report?</p> <p>22 MR. HARDEN: And then I'm going to object</p> <p>23 on the last -- object to any examination, testimony,</p> <p>24 use or display of any Missouri laws or city codes or</p> <p>25 ordinances on the basis that the court will instruct</p> |
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| <p>1 don't want to waive any privileges or protections.</p> <p>2 Okay. You can certify that one to the court. And if</p> <p>3 there's a way that I can provide you the information</p> <p>4 that you seek in that question in a non-privileged or</p> <p>5 protected manner, I'll provide it to you.</p> <p>6 MR. SCHOTTEL: All right.</p> <p>7 MR. HARDEN: All right. Otherwise, we can</p> <p>8 either get back to him, or we can get it from someone</p> <p>9 else if necessary.</p> <p>10 MR. SCHOTTEL: That's not the question. I</p> <p>11 don't need to get -- if I want to ask the witness</p> <p>12 questions, then I need this witness to answer</p> <p>13 questions. And if you're instructing him not to</p> <p>14 answer, then I have to have it certified by the court.</p> <p>15 MR. HARDEN: Okay.</p> <p>16 MR. SCHOTTEL: And we can bring it to the</p> <p>17 court's attention.</p> <p>18 MR. HARDEN: Okay.</p> <p>19 MR. SCHOTTEL: So have that question</p> <p>20 certified for the court.</p> <p>21 MR. HARDEN: Thank you. I guess I should</p> <p>22 incorporate by reference the same objections to the</p> <p>23 same written discovery as well.</p> <p>24 MR. SCHOTTEL: All right. We can go off</p> <p>25 the record for just a minute.</p> | <p>1 the jury on the law, and that witnesses should not</p> <p>2 testify about legal conclusions. Go ahead.</p> <p>3 Q. (BY MR. SCHOTTEL.) Okay. This is -- those</p> <p>4 are documents you provided to me. Correct?</p> <p>5 A. I -- I believe so. I don't know if that was</p> <p>6 its entirety. I'd have -- I don't know. I'd have to</p> <p>7 look back at my records to show what I sent you. But</p> <p>8 from what I can tell here from the document</p> <p>9 description on this records completion form, it</p> <p>10 appears to be so.</p> <p>11 Q. Okay. And that's your signature on the first</p> <p>12 page. Correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so did -- you did receive the April 2nd,</p> <p>15 2019 Sunshine law request from my office?</p> <p>16 MR. HARDEN: Object to form. Again,</p> <p>17 discovery on discovery and hearsay. Go ahead.</p> <p>18 THE WITNESS: Yes.</p> <p>19 Q. (BY MR. SCHOTTEL.) And in response, this</p> <p>20 packet is what you returned to my office. Is that</p> <p>21 correct?</p> <p>22 A. Yeah. I believe I also made a phone call to</p> <p>23 your office because I was confused.</p> <p>24 Q. Right.</p> <p>25 A. Because we didn't work the case. And so I</p> |

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|--|--|
| <p>1 wanted to make sure I sent what you needed. Yes.</p> <p>2 Q. Okay.</p> <p>3 MR. HARDEN: Same objections.</p> <p>4 Q. (BY MR. SCHOTTEL.) Right. And outside that</p> <p>5 phone call, these are just the physical documents that</p> <p>6 you have mailed. Is that to the best of your</p> <p>7 recollection?</p> <p>8 A. Yes.</p> <p>9 Q. And the one-page reporting officer's</p> <p>10 narrative that you identified the list of items, the</p> <p>11 offense slash incident report narrative, that was by</p> <p>12 Officer Dyer. Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And is that the same Officer Dyer that called</p> <p>15 you that you had mentioned earlier?</p> <p>16 A. Yes.</p> <p>17 Q. And you had also sent five pages of animal</p> <p>18 regulations from the Van Buren city code.</p> <p>19 MR. HARDEN: Same objections.</p> <p>20 THE WITNESS: Yes.</p> <p>21 Q. (BY MR. SCHOTTEL.) Why did you send the</p> <p>22 animal regulations?</p> <p>23 MR. HARDEN: Same objections.</p> <p>24 THE WITNESS: Your request was lastly,</p> <p>25 please provide any ordinances or local laws relating</p> | <p>1 objections, you'll see a sentence or two that'll</p> <p>2 actually provide an answer sometimes. So if you see a</p> <p>3 big block of objections, and you're looking at this</p> <p>4 for review, you might look to the end of that</p> <p>5 paragraph for an answer. Help shorten your review,</p> <p>6 probably. You remember these? Taking a look at</p> <p>7 these? All right. So you ready to go?</p> <p>8 MR. SCHOTTEL: Oh, yeah. He's looking</p> <p>9 through them. Just go through every page, and just</p> <p>10 check the last page. It's been a while.</p> <p>11 MR. HARDEN: Well, if you want to ask him</p> <p>12 about something in particular, go ahead.</p> <p>13 Q. (BY MR. SCHOTTEL.) And Plaintiff's Exhibit 2</p> <p>14 I just handed you, those are your answers to</p> <p>15 interrogatories in this case?</p> <p>16 A. It appears so.</p> <p>17 Q. And I know it's been quite a while ago since</p> <p>18 you answered them. I just wanted you to look at the</p> <p>19 last page. Is that your signature?</p> <p>20 A. Yes, it is.</p> <p>21 Q. Okay. And does November 21st, 2019 sound</p> <p>22 about right? Almost a year ago --</p> <p>23 A. Yeah.</p> <p>24 Q. -- that you signed them.</p> <p>25 A. Sounds right.</p> |
| <p style="text-align: center;">Page 42</p> <p>1 to dogs in the City of Van Buren.</p> <p>2 Q. (BY MR. SCHOTTEL.) Okay. And at the time of</p> <p>3 the incident of Charles Roper shooting the Meseys'</p> <p>4 dogs, do you have any knowledge of whether the Meseys'</p> <p>5 dogs were leashed or not?</p> <p>6 A. Prior to the incident, you said? Is that</p> <p>7 what --</p> <p>8 Q. Prior to the incident of Charles Roper</p> <p>9 shooting the Meseys' dogs --</p> <p>10 MR. HARDEN: And I'll just --</p> <p>11 Q. (BY MR. SCHOTTEL.) -- do you have any</p> <p>12 knowledge of whether or not the Meseys' dogs had</p> <p>13 leashes on them?</p> <p>14 MR. HARDEN: So I'm going to object just to</p> <p>15 the extent it might call for privileged or protected</p> <p>16 information, and instruct you to answer to the extent</p> <p>17 you know based on personal knowledge.</p> <p>18 THE WITNESS: I -- I don't recall.</p> <p>19 MR. SCHOTTEL: All right. If you'd hand --</p> <p>20 MR. GRUMKE: What is that?</p> <p>21 MR. SCHOTTEL: Counsel --</p> <p>22 THE WITNESS: Want me to hand it to him?</p> <p>23 MR. HARDEN: Answers to interrogatories.</p> <p>24 MR. GRUMKE: Okay.</p> <p>25 MR. HARDEN: At the end of the windy</p> | <p style="text-align: center;">Page 44</p> <p>1 Q. You had mentioned that the Carter -- or</p> <p>2 Carter County did the investigation with respect to</p> <p>3 Charles Roper and the shooting of the Meseys' dogs.</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Did your department do any investigation into</p> <p>7 Charles Roper's actions in shooting the Meseys' dogs?</p> <p>8 MR. HARDEN: So I'll object to the extent</p> <p>9 that it calls for privileged or protected information,</p> <p>10 including attorney/client, insurer/insured privilege,</p> <p>11 work product, including intangible work product, or</p> <p>12 calls for information materially protected by the</p> <p>13 Garrity rule that we discussed earlier. To the extent</p> <p>14 that it's possible to answer the question without</p> <p>15 divulging anything that might be privileged or</p> <p>16 protected, you may answer, otherwise I'd instruct you</p> <p>17 not to answer. So --</p> <p>18 THE WITNESS: I did follow up when the</p> <p>19 sheriff's department -- with the sheriff's -- by</p> <p>20 reading the sheriff's department reports.</p> <p>21 Q. (BY MR. SCHOTTEL.) And who did you follow up</p> <p>22 with?</p> <p>23 A. The Carter County Sheriff's Department.</p> <p>24 Q. Anybody in the -- or do you know the name?</p> <p>25 A. I did a records request just like you did to</p> |

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| <p>1 me, and they sent that over to me.</p> <p>2 Q. Oh. And I guess my question was outside of 3 just obtaining those records, did you do any kind 4 of -- or did your department do any kind of 5 investigation into defendant Roper's actions on that 6 day.</p> <p>7 MR. HARDEN: Again, same objections as 8 before. Just immediately before. You may answer to 9 the extent you will not divulge privileged and 10 protected information. And I believe that by the 11 scope of his question, that would include before -- or 12 would include what Officer Dyer did. Right?</p> <p>13 THE WITNESS: Okay. So outside of what 14 Officer Dyer has told me in that phone call, and 15 reading his report, and getting a records request from 16 the sheriff's department, I did follow up with those. 17 After that, take the advice of my attorney and not 18 answer any more of that substance of that question, I 19 guess.</p> <p>20 MR. HARDEN: Yeah. Well done. Thank you.</p> <p>21 MR. SCHOTTEL: All right. Have that 22 question certified for the court.</p> <p>23 Q. (BY MR. SCHOTTEL.) In the city of Van Buren, 24 are there occasions where large dogs are running loose 25 in the city?</p> | <p>1 A. Yes.</p> <p>2 Q. All right. How would his time be logged with 3 the department?</p> <p>4 A. A time clock.</p> <p>5 Q. Time clock? Okay.</p> <p>6 A. With a time card.</p> <p>7 Q. And would that go for every officer, no 8 matter whether you're a reserve, full-time, or 9 training?</p> <p>10 A. In most cases, yeah.</p> <p>11 MR. SCHOTTEL: Okay. One last exhibit. (EXHIBIT 3 MARKED FOR THE RECORD.)</p> <p>12 MR. SCHOTTEL: Thank you.</p> <p>13 Q. (BY MR. SCHOTTEL.) And these are plaintiff's 14 second set of interrogatories to you. And flipping 15 through those, does that refresh your memory that you 16 had received those and answered those?</p> <p>17 A. Yes.</p> <p>18 Q. And on the last page, is that your signature 19 under verification?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And on the third page, it's -- 22 this one's not numbered. Some of the objections your 23 counsel stated here today are stated in the first half 24 of the answer. But then it says additionally, subject</p> |
| <p style="text-align: center;">Page 46</p> <p>1 A. We have received some calls of attacks. 2 Yeah.</p> <p>3 Q. And what is the policy and/or procedure that 4 the department takes when it receives those calls?</p> <p>5 MR. HARDEN: Just object to the extent that 6 the scope's vague.</p> <p>7 THE WITNESS: Generally, if a -- a dog gets 8 out of a fence or off a leash, and they're running 9 around in the neighborhood, the on-duty officer would 10 attempt to make contact with the owner, and most 11 likely write a citation if it's -- sometimes they'll 12 get warnings. It depends on the situation. It's -- 13 that's the end of that, I guess.</p> <p>14 Q. (BY MR. SCHOTTEL.) Okay. What if the owner 15 is not near, or if it's a dog that's unidentified?</p> <p>16 A. We're not a -- we're not animal control, so 17 we only enforce city ordinance by issuing criminal 18 summons, things like that.</p> <p>19 Q. All right. Did you have an animal control 20 unit you could call to assist you?</p> <p>21 A. Not at that time.</p> <p>22 Q. Okay. Do you have one now?</p> <p>23 A. No.</p> <p>24 Q. When Charles Roper was -- have to look at the 25 term -- a training reserve officer? Is that correct?</p> | <p style="text-align: center;">Page 48</p> <p>1 to and without waiving any objection --</p> <p>2 MR. HARDEN: Object to the extent that your 3 question's going to be a conduit for hearsay and 4 privileged and protected information. We maintain our 5 privileges and protection. Move to strike any 6 testimony of counsel about this.</p> <p>7 MR. SCHOTTEL: I'm just reading off his 8 answer.</p> <p>9 MR. HARDEN: Which is hearsay.</p> <p>10 MR. SCHOTTEL: How is it hearsay? It's his 11 answer.</p> <p>12 MR. HARDEN: On that document, it's 13 hearsay. And we're maintaining our privileges and 14 protections, so -- go ahead.</p> <p>15 Q. (BY MR. SCHOTTEL.) Okay. Beginning with the 16 word additionally, half down, could you read that 17 sentence.</p> <p>18 MR. HARDEN: I'm going to instruct you not 19 to do that. I believe it would divulge the privileged 20 and protected information we've been trying to keep 21 privileged and protected throughout this deposition.</p> <p>22 MR. SCHOTTEL: Well, it's been waived in 23 this answer to interrogatory.</p> <p>24 MR. HARDEN: I think you think it's been 25 waived. I think it says subject to and without</p> |

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| <p>1 waiving, and then there's some responses there. So 2 I'm going to instruct the deponent not to read 3 anything from there or respond from it at this time.</p> <p>4 Q. (BY MR. SCHOTTEL.) Okay. So this says that 5 Roper was not disciplined by this defendant -- meaning 6 you -- or the City of Van Buren, Missouri as a result 7 of any incident involving plaintiff's dogs on February 8 22nd, 2019. Is that true?</p> <p>9 MR. HARDEN: Do not respond on the basis of 10 attorney/client privilege, insurer/insured privilege, 11 work product, and the Garrity rule.</p> <p>12 MR. SCHOTTEL: Have that question certified 13 for the court.</p> <p>14 MR. HARDEN: And that's what I meant by 15 some other means. If you could be provided certain 16 information, we'll provide it. You know what I mean?</p> <p>17 MR. SCHOTTEL: I don't know anything what 18 you mean --</p> <p>19 MR. HARDEN: Okay.</p> <p>20 MR. SCHOTTEL: -- or said today, so -- I 21 don't.</p> <p>22 Q. (BY MR. SCHOTTEL.) Was Charles Roper a 23 reserve probationary officer?</p> <p>24 A. Yes.</p> <p>25 Q. And can you describe what a reserve</p> | <p>1 just generally speaking.</p> <p>2 Q. Right.</p> <p>3 A. It would have to be approved.</p> <p>4 Q. Have you ever talked to Donna Roper about the 5 incident of Charles Roper shooting the Meseys' dogs?</p> <p>6 A. No.</p> <p>7 Q. Have you ever spoke to the Meseys about 8 Charles Roper shooting their dogs?</p> <p>9 A. No.</p> <p>10 MR. SCHOTTEL: Okay. I don't think I have 11 any further questions. Thank you for your time.</p> <p>12 THE WITNESS: Do you want me to set these 13 back over there, or --</p> <p>14 MR. HARDEN: I can -- may I have these 15 copies?</p> <p>16 MR. SCHOTTEL: Yeah, you can.</p> <p>17 MR. HARDEN: And then --</p> <p>18 MR. SCHOTTEL: The originals that you have 19 go to the -- or can you initial them, and then I'll 20 probably keep them.</p> <p>21 THE REPORTER: Before I do that, if no one 22 else has any questions, can someone cover signature.</p> <p>23 MR. HARDEN: Oh, yeah. So you have the 24 opportunity to take a look at this, review it, and 25 make sure that it's all basically transcribed</p> |
| <p style="text-align: center;">Page 50</p> <p>1 probationary officer is.</p> <p>2 A. They're on probation until they finish their 3 training. Or the other word would be reserve training 4 officer, or training reserve officer, however you want 5 to put the word training in by reserve.</p> <p>6 Q. And as you testified before, that's on a 7 case-by-case basis?</p> <p>8 A. I'm sorry?</p> <p>9 Q. On how long that lasts.</p> <p>10 A. At that point, it was. I had just taken 11 over.</p> <p>12 Q. Sure.</p> <p>13 A. So yes.</p> <p>14 Q. If a Van Buren Police Department officer has 15 the appropriate credentials to carry a firearm, are 16 they allowed to carry a firearm when they are not 17 working with your department?</p> <p>18 A. So at this time, the officer -- anything they 19 do off duty that does not have to do with any law 20 enforcement equipment, we do not have any oversight on 21 something like that. If it's related to the law 22 enforcement equipment that's provided or trained with 23 for their job with us, then it has to be approved by 24 myself, and they do need to make sure they have their 25 credentials, if -- I guess it would be situational,</p> | <p style="text-align: center;">Page 52</p> <p>1 correctly. I think I'll recommend you just take a 2 look at it, and then we'll sign, basically. Does that 3 sound good to you?</p> <p>4 THE WITNESS: Yeah.</p> <p>5 THE REPORTER: So I will -- are you 6 ordering a copy?</p> <p>7 MR. HARDEN: Yes. You get it to us, we'll 8 get it to him.</p> <p>9 THE REPORTER: Okay.</p> <p>10 MR. GRUMKE: I'll take an eTran as well.</p> <p>11</p> <p>12 (Ending time of the deposition: 1:53 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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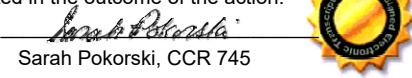
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| <p>1 CERTIFICATE OF REPORTER 2 STATE OF MISSOURI) 3) ss. 4 COUNTY OF PHELPS) 5 6 I, Sarah J. Pokorski, Certified Court 7 Reporter within and for the State of Missouri, do 8 hereby certify that the witness whose testimony 9 appears in the foregoing deposition was duly sworn by 10 me; that the testimony of said witness was taken by me 11 to the best of my ability and thereafter reduced to 12 typewriting under my direction; that I am neither 13 counsel for, related to, nor employed by any of the 14 parties to the action in which this deposition was 15 taken, and further that I am not a relative or 16 employee of any attorney or counsel employed by the 17 parties thereto, nor financially or otherwise 18 interested in the outcome of the action. 19 20  21 Sarah Pokorski, CCR 745</p> | <p>1 STATE OF _____) 2) ss. 3 COUNTY OF _____) 4 5 I, ALONZO BRADWELL, do hereby certify: 6 That I have read the foregoing deposition; 7 That I have made such changes in form and/or 8 substance to the within deposition as might be 9 necessary to render the same true and correct; 10 That having made such changes thereon, I hereby 11 subscribe my name to the deposition; 12 I declare under penalty of perjury that the 13 foregoing is true and correct. 14 15 16 ALONZO BRADWELL 17 Executed this _____ day of _____, _____. 18 19 Notary Public: 20 My Commission Expires: 21 22 Signature page to: James W. Schottel, Jr. 23 ALONZO BRADWELL, OCTOBER 30, 2020 24 Mesey vs. City of Van Buren, Missouri 25</p> |
| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 54</p> <p>1 Alaris Litigation Services 2 711 North Eleventh Street 3 St. Louis, Missouri 63101 4 Phone (314)644-2191 * Fax (314)644-1334 5 6 November 10, 2020 7 8 Keck Phillips 9 Ty Z. Harden 10 3140 East Division Street 11 Springfield, Missouri 65802 12 13 In Re: Mesey vs. City of Van Buren, Missouri 14 15 Dear Mr. Harden: 16 Please find enclosed your copy of the deposition of 17 ALONZO BRADWELL taken on OCTOBER 30, 2020, in the 18 above-referenced case. Also enclosed is the original 19 signature page and errata sheets. 20 21 Please have the witness read your copy of the 22 transcript, indicate any changes and/or corrections 23 desired on the errata sheets, and sign the signature 24 page before a notary public. 25 Please return the errata sheets and notarized 21 signature page to my office for filing prior to trial 22 date. 23 Thank you for your attention to this matter. 24 25 Sincerely, 26 27 Sarah J. Pokorski, CCR 28 Enclosures 29 30 cc: James W. Schottel, Jr., Joshua C. Grumke</p> | <p>1 WITNESS ERRATA SHEET 2 Witness Name: ALONZO BRADWELL 3 Case Name: Mesey vs. City of Van Buren, Missouri 4 Date Taken: OCTOBER 30, 2020 5 6 Page # Line # _____ 7 Should Read: _____ 8 Reason for Change: _____ 9 10 Page # Line # _____ 11 Should Read: _____ 12 Reason for Change: _____ 13 14 Page # Line # _____ 15 Should Read: _____ 16 Reason for Change: _____ 17 18 Page # Line # _____ 19 Should Read: _____ 20 Reason for Change: _____ 21 22 Page # Line # _____ 23 Should Read: _____ 24 Reason for Change: _____ 25 26 Witness Signature: _____</p> |

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